

F
591
.21
J8

JULIAN
—
OUR LAND POLICY



BANCROFT
LIBRARY



THE LIBRARY
OF
THE UNIVERSITY
OF CALIFORNIA



Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation

Our Land Policy—Its Evils and their Remedy.

SPEECH.

OF

HON. GEORGE W. JULIAN,

OF INDIANA,

In the House of Representatives, March 6, 1868;

The House having under consideration bill No. 370, to prevent the further sale of the public lands of the United States, except as provided for in the Pre-emption and Homestead laws, and the laws for the disposal of town sites and mineral lands.

L Julian George Washington

WASHINGTON:

Printed at the Office of THE GREAT REPUBLIC, 499 11th Street.
1868.

1871

4

1871

1871

1871

1871

Printed at the Office of the Chief Clerk, U.S. District Court, Washington, D.C.

95039

F5
21
J8

Our Land Policy—Its Evils and their Remedy.

Mr. JULIAN said:

Mr. SPEAKER: Perhaps there is no question affecting the civil administration of the Government which more deeply concerns the people of the United States than that which is submitted in the bill I have had the honor to report from the Committee on Public Lands. It touches all the springs of our national life and well-being. It makes its appeal to every landless citizen of the Republic, and to every foreigner who comes to our shores in search of a home. It reaches down to the very foundations of democratic equality, and takes hold on the coming ages of industrial development and Christian civilization in the rapidly multiplying States of our Union. Had the policy now proposed been accepted by the nation a generation ago, before its magnificent patrimony had been so grievously marred and wasted by legislative profligacy and plunder, the gratitude of millions would have attested the blessed results, the failure of which millions must deplore. Not a single hour of further delay should stay the friendly hand of Congress in rescuing the remaining heritage of a thousand million acres from the improvident administration of the past.

THE MEASURE EXPLAINED—PRE-EMPTION AND HOMESTEAD LAWS.

Before proceeding to the general discussion of this measure it may be well briefly to refer to its particular provisions, and their effect in modifying the action of its controlling principle. It forbids the further sale of the public lands, except as provided for in the pre-emption and homestead laws. These laws have been improved by repeated amendments, which have been suggested

by experience, and their machinery is understood by the people. Under the pre-emption laws the settler may select his home on the surveyed or unsurveyed lands, and perfect his title on the easy conditions of settlement and improvement, and the payment of \$1 25 per acre. Under the homestead laws like conditions of settlement and improvement are required, but the claimant is restricted to the surveyed lands, and the payment of \$1 25 per acre is only required where he shall decide to perfect his title at once by the purchase of his homestead, which he may do after the required improvement has been made. The purpose of both the pre-emption and homestead laws is the settlement and tillage of the public domain by those who need homes, and the option is given to every settler to determine under which class of laws he can best subserve his interest.

COLLEGE SCRIP AND BOUNTY-LAND WARRANTS TO BE LOCATED.

The bill reserves to the holders of military bounty-land warrants, agricultural college scrip, and other land scrip, the right to locate the same. This could not be otherwise. However mistaken or pernicious the policy of issuing these warrants and this scrip may now be regarded, the faith of the nation is pledged that they may be located according to the terms prescribed by Congress. Lands selected for town sites are likewise expressly excepted from the operations of the bill, because their disposition is already provided for. An act for the disposal of coal lands and town sites on the public domain, approved July 1, 1864, and the act amendatory thereto of March 3, 1865, make special provision for

the disposition of such lands, and properly withdraw them from the scope of this bill.

MINERAL LANDS EXCEPTED—SOME FACTS STATED.

Mineral lands are also excepted, and for kindred, though less conclusive reasons. The peculiar character of these lands calls for peculiar legislation; and the act of Congress of July 26, 1836, undertook to deal with them. The act is singularly crude and clumsy, and very few persons thus far have even attempted to assert title under it. Its history is not less remarkable. It passed the Senate near the close of the first session of the Thirty-Ninth Congress, without any previous general discussion by the members of that body. On reaching the House it was referred to the Committee on Public Lands, which at once proceeded to consider it, and to reconstruct its leading features. This did not suit its friends in the Senate, who caused it to be attached to the enacting clause of a bill then pending in that body, entitled "An act granting the right of way to ditch and canal owners over the public lands in the States of California, Oregon, and Nevada." Under this strange title it was re-enacted in the Senate, and on finding its way to the Speaker's table during the closing hours of the session, it was hurried through the House in utter disregard of the rights of the committee having it in charge, without any opportunity whatever for general discussion, without even the pretense that its provisions were understood, and by parliamentary tactics, which, if generally adopted, would convert the business of legislation into a system of gambling, in which the very titles of our laws would brand them as the progeny of knavery and fraud. The remarkable decline in the product of bullion during the past year is undoubtedly due, to a considerable extent, to the uncertainty of titles in the great mining regions, and the need of a fixed code of laws; and since there is a bill now pending here amendatory of the law under notice, and its manifest faults must lead to its perfection, there is

no occasion to deal with the question in the measure now before the House.

GENERAL PRINCIPLES OF THE BILL STATED—THE GOVERNMENT BOUND TO RENDER ITS DOMAIN AS PRODUCTIVE AS POSSIBLE.

With these qualifications, Mr. Speaker, the bill I have reported withdraws from further sale the public domain of the United States, and dedicates it, in reasonable homesteads, to actual settlement and productive wealth; and it is this fundamental and far-reaching principle to which I now invite the attention of this House and of the country.

Mr. Speaker, I hold it to be a clear proposition that the Government, as the servant of the people, is bound to render the territory under its control as productive as possible. Both political economy and the law of nature sanction this principle. The Government has no right to withhold its vacant lands from tillage, while its own citizens desire them for homesteads, and are willing to make them contribute to the general wealth. "Nothing," says Locke, "was made by God for man to spoil or destroy." Vattel declares that the cultivation of the soil is "a profession that feeds the human race;" that it is "the natural employment of man," and "an obligation imposed by nature on mankind;" and that therefore it "deserves the utmost attention of the Government." He says, "The sovereign ought to neglect no means of rendering the land under his jurisdiction as well cultivated as possible. He ought not to allow either communities or private persons to acquire large tracts of land and leave them uncultivated." He adds, "The whole earth is destined to feed its inhabitants; but this it would be incapable of doing if it were uncultivated. Every nation is then obliged by the law of nature to cultivate the land that has fallen to its share." "The earth," says the *Westminster Review*, "is the great mother which all should regard with filial reverence. To the earth we owe alike our lives and our pleasures, and it there be an excess of poverty and misery among men it

is because the earth is 'not tilled in such a manner as to yield the maximum of the necessities of life.' "No man," says John Stuart Mill, "made the land. It is the original inheritance of the whole species;" and he declares that "wherever, in any country, the proprietor, generally speaking, ceases to be the improver, political economy has nothing to say in defense of landed property, as there established." These authorities, which could readily be multiplied, are simply the echo of common sense. They are the voice of reason and justice, affirming, in different forms of speech, the scriptural truth that the earth belongs "to the children of men."

PROFITABLENESS OF SMALL OWNERSHIPS OF LAND, WHEN TILLED BY THEIR PROPRIETORS.

If, then, the Divine command to "subdue the earth," that is, to improve it, and compel it to yield of its abundance, is binding upon the Government as well as the citizen, we are naturally conducted to the inquiry, what policy ought it to pursue in order to secure the maximum of productiveness? And my answer is, the policy of resisting, by all practicable methods, the monopoly of the soil, while systematically aiming at the multiplication of small homesteads, which shall be tilled by their proprietors. On this subject, Mr. Speaker, we are not left in the dark. I shall not now dwell upon the negative side of the argument. I shall not stop to portray the evils of land monopoly, which, in the words of a celebrated French writer, "has gnawed social order from the beginning of the world." The subject is an inviting one, but I propose here only to consider the profitableness of small landed proprietorships, in the light of known facts. I believe political economists are agreed that the true interest of agriculture is to widen the field of its operations as far as practicable, and then, by a judicious tillage, to make it yield the very largest resources compatible with the population of the country. Experience has abundantly shown

that the system of small proprietorships can best secure these results, while it brings with it great moral and social advantages which are unknown in countries that are cursed by overgrown estates. I regret that any argument or elucidation of this point should be deemed necessary in a Government which recognizes equal rights and equal laws as the basis of its policy; but the manifest tendency, in multiplied forms, toward land monopoly in our country, and especially in the West and South, must excuse some little particularity of statement.

AUTHORITIES CITED.

One of the highest authorities on this subject is Mr. Kay's book on "The Social Condition and Education of the People in England and Europe." He speaks from personal observation and travel in many countries in different parts of the continent, and declares that "the peasant farming of Prussia, Saxony, Holland, and Switzerland, is the most perfect and economical farming I have ever witnessed in any country." He quotes with favor the decided opinion of another writer, that "not only are the gross products of any given number of acres held and cultivated by small proprietors greater than the gross products of an equal number of acres held by a few great proprietors, and cultivated by tenant farmers, but that the net products of the former, after deducting all the expenses of cultivation, are also greater than the net products of the latter." Mr. Laing, another writer of authority, in his "Notes of a Traveler," says: "We see, and there is no blinking the fact, better crops on the ground in Flanders, East Friesland, Holstein, in short, on the whole line of the arable land of equal quality on the continent, from the Sound to Calais, then we see on the line of British coast opposite to this line, and in the same latitudes, from the Frith of Forth all round to Dover." And he adds that "minute labor on small portions of arable ground, gives evidently, in equal soils and climate, a superior productiveness, when

these small portions belong to the farmer." Mr. Kay says that "In Saxony it is a notorious fact that, during the last thirty years, and since the peasants became the proprietors of the land, there has been a rapid and continual improvement in the condition of the houses, in the manner of living, in the dress of the peasants, and particularly in the culture of the land." He observes that "The peasants endeavor to outstrip one another in the quantity and quality of the produce, in the preparation of the ground, and in the general preparation of their respective portions. All the little proprietors are eager to find out how to farm so as to produce the greatest results; they diligently seek after improvements; they send their children to the agricultural schools in order to fit them to assist their fathers; and each proprietor soon adopts a new improvement introduced by any of his neighbors."

Sismondi, in his "Studies in Political Economy," says: "It is from Switzerland we learn that agriculture, practiced by the very persons who enjoy its fruits, suffices to procure great comfort for a very numerous population; a great independence of character, arising from independence of position; a great commerce of consumption, the result of the easy circumstances of all the inhabitants, even in a country whose climate is rude, whose soil is but moderately fertile, and where late frosts and inconstancy of seasons often blight the hopes of the cultivator." Speaking of small land-holders generally, he says: "Wherever we find peasant proprietors we also find the comfort, security, confidence in the future, and independence, which assure at once happiness and virtue. The peasant who, with his children, does all the work of his little inheritance, who pays no rent to any one above him nor wages to any one below; who regulates his production by his consumption; who eats his own corn, drinks his own wine, is clothed in his own hemp and wool, cares little for the prices of the

market; for he has little to sell and little to buy, and is never ruined by revulsions of trade." And he insists that "the peasant proprietor is of all cultivators the one who gets most from the soil, for he is the one who thinks most of the future, and who has been most instructed by experience. He is also the one who employs the human powers to the most advantage, because, dividing his occupations among all the members of his family, he reserves some for every day of the year, so that nobody is ever out of work."

Mr. Howitt, in his "Rural and Domestic Life of Germany," says: "The peasants are not, as with us, for the most part, totally cut off from property in the soil they cultivate, totally dependent on the labor afforded by others—they are themselves the proprietors. It is, perhaps, from this cause that they are probably the most industrious peasantry in the world. They labor busily early and late, because they feel that they are laboring for themselves. Every man has his house, his orchard, his road-side trees, commonly so heavy with fruit that he is obliged to prop and secure them always, or they would be torn to pieces. He has his corn-plat, his plat for mangel-wurzel for hemp, and so on. He is his own master; and he, and every member of his family, have the strongest motives to labor. He contrasts him with the English peasant who "is so cut off from the idea of property that he comes habitually to look upon it as a thing from which he is warned by the law of the large proprietors, and becomes, consequence, spiritless, purposeless. The German bauer, on the contrary, looks on the country as made for him and his fellow-men. He feels himself a man; he has stake in the country as good as that of the bulk of his neighbors; no man can threaten him with ejection or the work-house so long as he is active and economical. He walks therefore, with a bold step; he looks you in the face with the air of a free man, but of a respectful one."

Small farming in France forms no excep-

tion to these strong testimonies. Arthur Young, in his "Travels in France," says: "An activity has been here that has swept away all difficulties before it, and has clothed the very rocks with verdure. It would be a disgrace to common sense to ask the cause; the enjoyment of property *must* have done it. Give a man the sure possession of a bleak rock, and he will turn it into a garden; give him a nine years' lease of a garden, and he will convert it into a desert." Speaking of the country at the foot of the Western Pyrenees, he says: "It is all in the hands of little proprietors, without the farms being so small as to occasion a vicious and miserable population. An air of neatness, warmth, and comfort, breathes over the whole. It is visible in their new-built houses and stables; in their gardens; in their hedges; in the courts before their doors; even in the coops for their poultry and the sties for their hogs."

**SAD COMMENTARY ON THESE PRINCIPLES—
LAND SPECULATION EXPOSED AND REPROBATED.**

But I need not further multiply authorities in support of my position; nor shall I attempt to demonstrate, what is quite apparent from the quotations I have made, that the policy of small homesteads, on which the man who holds the plow is the owner of the soil, is favorable to the highest degree of industry and thrift; that it becomes the instrument of popular education, through the self-dependence of the cultivator, whose mental faculties are thus naturally stimulated and developed by the cares and responsibilities brought to his door; and that it favors, also, the moral virtues of prudence, temperance, and self-control. All this is asserted by our ablest political economists. Neither shall I dwell here upon the fact that it supplies the strongest bond of union between the citizen and the State, and is absolutely necessary in a well-ordered Commonwealth. Putting all this aside, and coming back to my two cardinal principles—the duty of the Government, in behalf of

the people, to make its lands as productive as possible, and the necessity of accomplishing this end by small holdings, tilled by their proprietors—I proceed to notice the startling commentary upon these principles which has been furnished by the Government of the United States.

The Commissioner of the General Land Office estimates that from the foundation of the Government to the present time more than thirty millions of acres of the aggregate amount of public lands sold have not been reduced to occupancy as farms. This would have made one hundred and eighty-seven thousand five hundred homesteads of one hundred and sixty acres each, and should have been disposed of by the Government to actual settlers only, as fast as it was needed, instead of being handed over to speculators and locked up from tillage and productive wealth. Just to the extent that this has been done the Government has been the plunderer of the people. It has gone into partnership with the speculator in cheating the pioneer and the producer, while robbing the national Treasury. During the last fiscal year nearly two millions of acres of homestead entries have been made, of which over two hundred and sixty-four thousand acres have been entered in the southern land States under the act of June 21, 1866. The total area of the public domain absorbed under the homestead laws up to the 30th of June last exceeds seven millions of acres, represented by over fifty-nine thousand farms. This policy creates national wealth, and gives homes to the laboring poor. It most righteously fosters the pursuit which Vattel declares to be "the natural employment of man," and which "feeds the human race." Every new farm that is snatched from the wilderness adds to the wealth of the nation, while the monopoly of millions of acres which are withheld from cultivation is a positive public curse. It is computed that in the year 1835 alone about eight millions of acres of the public domain

passed into the hands of speculators. The money thus invested was withdrawn from praiseworthy enterprises and the ordinary uses of commerce, and sunk in the fruits of the West, which were allowed to yield no return. Great stretches of these wild lands thus intervened between settlements which were afterward formed, since the poor pioneer could not pay the price at which they were held, and was forced still further into the wilderness, where he was compelled, by his toils and privations, to add to the wealth of those remorseless monopolists.

This system of legalized landlordism in these States, this practical inauguration among us of the feudalism of the Old World, is the very climax of legislative madness. It cheats the poor settler, and by dooming vast tracts of fertile lands to barrenness becomes a fatal hindrance to agricultural wealth, and to commerce and manufactures, which draw their life from the soil. Instead of flourishing towns and villages, small homesteads, and an independent yeomanry, with the attendant blessings of churches and free schools, it consigns the fertile plains of the West to the tender mercies of the monopolist, whose greed alone is his law. Instead of opening our vacant lands to the stream of emigration which would pour in from the old States, and thus augment our imports and exports through increased production, it leaves the country a wilderness, or inhabited only by a miserable tenantry under the control of absentee landlords. Instead of settling the frontier of our country and extending the march of civilization, it subjects the Government to the expenditure of millions of dollars in sustaining military posts which else might be wholly dispensed with. Instead of taking the pioneer into the fatherly keeping of the Government, and stimulating the spirit of adventure by the offer of a free home in the wilderness, it treats him as a virtual outcast by driving him beyond the possessions of the speculator, for whose interest he is compelled to toil. This is by

far the worst feature of our present land policy. The pioneer subdues the forest and coins it into wealth. He encounters every form of hardship and danger in opening the way for the column of settlers which is to follow, while his life is one of constant privation. The settlers of our frontier are the real heroes of our time. They are the founders of our new Commonwealths, and are ready to encounter either wild beasts or savages in exploring our distant borders. They build wagon-roads, bridges, towns, and cities, and, by surrounding the reserved lands of the speculator and rendering them desirable, add greatly to the wealth which he has done nothing to earn. Surely these persons have a better right to be consulted in the disposition of the public domain than the men who buy large tracts, with perhaps no expectation of ever seeing them again, or of expending a dollar in their improvement.

Mr. Speaker, I have referred to the thirty millions of acres heretofore sold by the Government which yet remain unimproved. This, of course, is only a small fraction of the grand aggregate which from time to time must have passed under the dominion of monopolists, and has since been gradually reduced to cultivation by paying their tariff for the privilege. Nothing could be more vicious in principle or more ruinous to the public interest than has been this policy. The Government, since its formation, has sold more than one hundred and fifty-four millions of acres; and I think I am safe in asserting, after careful consideration, that the nation has derived from these lands less than one half the agricultural wealth which they would have yielded under the policy for which I now contend, if it had been adopted in the beginning. Sir, I ask gentlemen to ponder these facts, and say whether the land policy of the United States has not been a policy of systematic improvidence and spoliation. Every one remembers the saying of Dean Swift, that "whoever could make two ears of corn or

two blades of grass to grow upon a spot of ground where only one grew before, would deserve better of mankind, and do more essential service to his country, than the whole race of politicians." Has not our Government supplied a new and striking commentary on this saying in sporting with one of the grandest opportunities the world has seen for the creation of wealth and the establishment of democratic institutions? One of the charges against the British king which our fathers preferred in their great Declaration was, that "he has endeavored to prevent the population of these States; for that purpose obstructing the laws of naturalization of foreigners, refusing to pass others for their migration hither, and raising the conditions of new appropriations of lands." Is not our Government guilty, substantially, of this same charge? Has not its policy tended strongly "to prevent the population of these States," by abridging the inducements of our people to seek homes on the public domain? And, as to foreigners, has not its policy of speculation and monopoly amounted to a refusal "to pass laws to encourage their migration hither," while "raising the conditions of new appropriations of lands?" Sir, let us emancipate the public domain yet remaining under our care. Let us dedicate it to honest toil, to American homes, to productive wealth, and thus complete the work so nobly begun in the pre-emption and homestead laws. Let us remember that in setting free the public lands of the Government, and placing them beyond the power of monopolists, we shall become the creators of wealth and the benefactors of coming generations; and that the ablest political economist of our time declares the acquisition of a permanent interest in the soil by the cultivators of it to be as real, and as great an improvement in production, as the invention of the spinning-jenny or the steam-engine.

GRANTS OF LAND FOR RAILROADS—THEIR
FRIGHTFUL CHARACTER AND MAGNITUDE.

But I pass to a separate, though kindred

topic, name'y, the grants made by Congress to aid in building railroads. These have been exceedingly munificent, and have become a most formidable barrier to the settlement and cultivation of our great domain. Congress has granted in all, to various Western and Southern States, over fifty-seven millions of acres for these purposes. These grants have been made on such conditions that the companies to whom the alternate odd-numbered sections are entrusted can hold them back from sale and settlement till such time, and for such price, as may best subserve their interest. The lands become at once a monopoly, and the rights of settlers are perfectly subordinated to its purposes. The company may sell or refuse to sell; it may sell to individual settlers or to a single purchaser. No restraints are imposed in these particulars. The even-numbered sections are likewise reserved from sale, except for the price of \$2 50 per acre. Unless, therefore, the road is between points and through a country rendering its speedy construction very important, both the odd and even numbered sections are kept back from settlement; and the further effect of this will be to hinder settlements which otherwise would be formed adjacent to the interdicted belt. This policy builds roads, which are highly important; but it often inflicts great mischief upon the country by its discriminations against our pioneer settlers.

Besides these grants to the States we have donated, on similar conditions, for the construction of canals and other improvements, over seventeen millions of acres; and we have granted to the different lines of the Pacific railroad the estimated aggregate of one hundred and twenty-four millions of acres. These roads are of the greatest national importance, and therefore have a very strong plea to make in justification of the grants made by Congress; but they constitute a fearful monopoly, and may hinder, far more than help, the actual settlement of our great western territory. The several grants I have named amount

to little short of two hundred millions of acres; and if we add to this the even numbered sections along the lines of the Pacific road, which are excluded from settlement under a recent ruling of the Interior Department, we shall have an aggregate of about one-third of the nation's entire public domain committed to the keeping of railroad corporations. "The quantity of lands conveyed by these grants," says the Commissioner of the General Land Office, "is of empire extent, exceeding in the aggregate, by more than five millions of acres, the entire areas of the six New England States, added to the surface of New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, and Virginia." He says the grants to the Pacific railway lines alone "are within about a fourth of being twice the united area of England, Scotland, Wales, Ireland, Guernsey, Jersey, the Isle of Man, and the islands of the British seas, and less than a tenth of being equal to the French empire proper."

NAUTICAL MISCHIEFS OF THE SYSTEM—REFORMS SUGGESTED.

These are significant, if not startling, facts, and they naturally awaken alarm among the multitudes of our people now seeking settlements under the pre-emption and homestead laws throughout the West. I have recent letters from intelligent men in the Topeka land district in Kansas, who say that, owing to the land grants referred to and the Indian reservations as administered by the Government, it has become next to impossible to secure a homestead that is at all desirable in that portion of the State, and that many settlers who have traveled hundreds of miles to find their homes, on which they have settled in good faith, are being driven out by railroad agents. I believe the time has come to sound the cry of danger, and to demand, in the name of our pioneers and producers, a radical reform in the policy of the Government as to any future grants it may make in aid of these enterprises. All such grants

should be rigidly subordinated to the paramount purpose of securing homes for the people, the settlement and improvement of the public domain, and the consequent increase of national wealth. A bill inaugurating this principle has already been reported to this House from the Committee on Public Lands, and I earnestly hope it will become a law. It provides that in future grants to aid in building railroads the odd-numbered sections shall be set only to actual settlers, in quantities not exceeding one hundred and sixty acres, at a price not exceeding the maximum of \$2 per acre, and that any even sections which shall remain undisposed of at the expiration of ten years, shall be subject to the same disposition as all other public land.

In addition to this greatly needed change of policy Congress should provide for other reforms. In the first place, the road asking the grant should be an important thoroughfare, and especially in the matter of extending settlements and civilization more rapidly than otherwise would be practicable. Such grants are only specially needed in the case of long lines of roads which connect distant points, and pass over thinly inhabited sections of country. Experience has shown that roads will not be built except through settlements which will supply a local business, or as connecting links between important centres of trade and population. The Commissioner of the General Land Office, in his report for the year 1865, justly remarks that if upon any part of the line a road gets less land it is because there is larger population, and consequently more local business; and if upon any part of the line more land is obtained it is because the reverse is true. Yet in every instance it will be found that the road is first constructed, and best compensating to the stockholders, along that part of its line on which little or no public land is obtained. A road passing through a region of country which invites settlement will be built, if needed, without any grant

of lands, because settlements will be formed and the wants of the people will necessitate it. The actual settlement of a new country is, after all, the paramount concern both of the Government and the people. With this, capital will gradually come in, and such lines of railroad as are found to be needed will be constructed. Without this, railroads would be unprofitable enterprises, even if it were practicable to build them.

The second reform to which I refer is that a fixed lateral limit shall be made to the grant, and that the principle of alternate sections *in place* shall be rigidly adhered to. The failure to observe these requirements has wrought great mischief to the country, and to our pioneer settlers. Our land-grant policy, as at first inaugurated, gave every alternate odd-numbered section for six miles in extent on each side of the road. This limit should never have been enlarged, except in the case of a few roads of very great national utility. By keeping within these limits, and of course granting no alternate sections except those literally corresponding and contiguous to the even sections, the value of the latter would be duplicated, and thus the Government, while securing the road and promoting the settlement of the country, would be financially the gainer also. But by enlarging the lateral limits as we have done, to ten miles, and in several instances to twenty, and even forty miles, and allowing *floats* or *scrip*, beyond this margin, in lieu of lands not found within it, the whole policy of compensation to the Government is overthrown, and our grants become a practical bounty to railroad corporations, at the expense of actual settlers, and to the great injury of the country. These floats will, of course, be located at once upon all the choice lands nearest the line of the road, and to the settled portions of the country. The pre-emptor and the homestead settler will be driven further back by the grant, and in the interest of monopolists who will grow rich by withholding their lands from settlement till a

handsome price can be had through the improvement of adjoining lands. The pioneer must surrender the advantages of roads, mills, schools, churches, and such other blessings as belong to a well-ordered community, for the somewhat imaginary compensation of a railroad forty or fifty miles distant. Many gentlemen now here may remember a bill which was reported to this House in the Thirty-Ninth Congress, providing for the construction of a road more than four hundred miles in length, and granting the odd-numbered alternate sections to the amount of twenty sections per mile on each side of the road, with the privilege of going ten miles further, if necessary, to make up deficiencies occasioned by the sale or other disposition of any of the alternate sections by the Government prior to the definite location of the road. The passage of this frightful measure was earnestly urged in the House, but was luckily defeated; and the ability, now and then, to aid in strangling such legislative monsters before their birth may be set down among the consolations of public life. In some instances we have granted the even numbered sections, and we have several times made large grants, to be selected in a body, where the principle involved in the policy of alternate sections could have no possible application. Every year bears witness to new aggressions upon the rights of settlers, which seriously threaten to swallow up the whole of our remaining public domain.

Sir, this policy is utterly indefensible and vicious, and should be abandoned at once. I will not go quite so far as some gentlemen on this floor, and oppose all grants of land in aid of railroads, under whatsoever restrictions. In legislation, as in other affairs, the want of discrimination is the want of common sense. "Good roads," says Mill, in his "Political Economy," "are equivalent to good tools. It is of no consequence whether the economy of labor takes place in extracting the produce from the soil, or in conveying it to the place where it is to be consumed. Railways and

canals are virtually a diminution of the cost of production of all things sent to market by them."

These enterprises have done and are still doing a great service to our country. Let the Government, by all honorable means, lend them its aid; but let Congress see to it, henceforward, that the saving reforms I have suggested shall be applied.

AGRICULTURAL COLLEGE ACT—ITS PERNICIOUS CONSEQUENCES.

Mr. Speaker, the picture I have drawn of the fearful strides of land monopoly in our country, under the sanction of Congress, would be imperfect without referring to some additional and striking facts which fairly belong to this discussion. The act of Congress of 1862, providing for the establishment of agricultural colleges, grants to the States thirty thousand acres of the public lands for each of their Senators and Representatives in Congress. When the provisions of this act shall be extended to the States of the South, as they doubtless will be, the whole amount required will be nine million six hundred thousand acres. The States having public lands within their limits will receive and have set apart to them their respective shares under the act, which, of course, will be so many great monopolies, managed with a view to the largest revenue to aid in the building of colleges, and not in the interest of settlers. The States having no public lands get their respective shares in college scrip representing them, which scrip cannot be located by the States, but must be sold to individuals who may locate it, provided that not more than one million acres shall be located in any State. I do not know the present market value of this scrip, but it has been largely dealt in at rates ranging from sixty to seventy cents per acre; and probably this is as much as the States have generally received for it, instead of \$1.25 per acre, which the land ought to be worth.

Mr. DRIGGS. I will state that I knew one instance where the entire college scrip of a State was offered as low as thirty-

seven and a half cents an acre.

Mr. JULIAN. As a method of building colleges, therefore, it is by no means a success; while on the other hand, the scrip goes into the hands of speculators, and becomes the basis of the most pernicious monopolies that have afflicted our country. Bodies of a million acres have already been appropriated in several of our western States, and set apart by this policy of legalized plunder, on which, of course, no homestead claimant or pre-emptor may set his foot. The country is held back from tillage and productive wealth, and the rights of our pioneer settlers postponed or denied, by the duly authorized rapacity of hungry monopolists. A company of speculators, doing business in Cleveland, Ohio, and in Wall street, New York, advertise that they have bought the college scrip of nine States, which they mention, covering two millions four hundred and eighty-two thousand acres. They hold it for speculation, and, of course, take no thought as to the settlement and improvement of the public domain. If it was the duty of the Government to aid in building agricultural colleges it would have been far wiser to appropriate money, leaving the lands of the country free to those who desired them for homes, and were ready to transmute their labor into national wealth. Kindred observations apply to our Mexican bounty-land warrants, which cover over thirteen millions of acres in all.

SWAMP LANDS—THEIR RUINOUS MANAGEMENT BY THE GOVERNMENT.

Another powerful incentive to the spirit of monopoly has been the action of Congress respecting what are called "swamp and overflowed lands." There have been patented to States, under different acts of Congress, more than forty-three millions of acres of these lands, and the management of them, whether in the western or southern States, has been most unfortunate. This is especially true of the States of Mississippi, Louisiana, Arkansas, and Florida, which have received nearly twenty-eight millions of acres. Of these lands large portions are

dry, and among the very best in the country, but they were purchased in great bodies by speculators, and to this day continue in their clutches. According to official tables furnished by the General Land Office there are now in the five land States of the South more than fifty-two millions of acres of unimproved lands held by monopolists, while fourteen-fifteenth of their people, outside of their towns and cities, in an exclusively agricultural region, are landless. These are very sad facts, and the solution of them constitutes the real problem of reconstruction. They are further aggravated by the railroad monopolies of these States, covering several millions of acres, by Spanish grants in some of them, and by plantation ideas as well as plantation manners, which have survived the institution of slavery. Time, patience, and the policy of colonization from other States, must finally work out the redemption of these regions. One good step has already been taken in the passage of the southern homestead law; but no one can contemplate the situation of their people to-day, and the weary conflicts to which they are to be summoned in escaping from their thralldom, without deploing the mistake of the Government in failing to confiscate the great plantations of the rebels during the war, and decimating them in the interests of loyalty and republicanism.

INDIAN RESERVATIONS—TREATIES WITH THE DELAWARE, THE SAC AND FOX, AND OSAGE INDIANS.

The action of the Government in dealing with our Indian lands has been equally subservient to the interests of monopolists. Under our treaties with the Delaware Indians, made in 1860 and 1861, some two hundred and thirty-four thousand acres of surplus Indian lands were sold to the Leavenworth, Pawnee, and Western Railroad Company, instead of being opened to actual settlers. Under another treaty, concluded in 1863, the residue of these lands, amounting to over ninety-two thousand acres, was sold to the Missouri River Rail-

road Company in the latter year, thus creating another monopoly. By virtue of a treaty with the Sac and Fox Indians, concluded in the year 1859, the trust lands of these Indians, amounting to two hundred and seventy-eight thousand two hundred acres, have been sold to thirty-six different purchasers, thus creating numerous though considerable monopolies. As examples, I may mention that John McManus bought one hundred and forty-two thousand nine hundred and fifteen acres; William R. McKean twenty-nine thousand six hundred and seventy-seven acres; Fuller and McDonald thirty-nine thousand and fifty-eight acres; Robert S. Stevens fifty-one thousand six hundred and eighty-nine acres; Hon. Hugh McCulloch seven thousand and fourteen acres. By virtue of a treaty concluded with the Kickapoo Indians in 1862, the Atchison and Pike's Peak Railroad Company, in the year 1865, became the purchaser of the lands of these Indians, amounting to one hundred and twenty-three thousand eight hundred and thirty-two acres. By virtue of the first article of a treaty between the United States and the Great and Little Osage Indians, concluded in the year 1865, the said Indians sold to the United States a tract of country embracing one million two hundred and twenty-five thousand six hundred and two acres; and under the second article of the treaty they sold, in trust, the further quantity of one million nine hundred and ninety-six thousand eight hundred acres, making the total of three million two hundred and twenty-two thousand four hundred and two acres.

The treaty, in strange disregard of the rights of settlers, and of the true interests of the country, provides that this vast area of land shall not be subject to entry under the homestead or pre-emption laws, but shall be sold to the highest bidder; and, of course, following the examples already set in other cases, a swarm of greedy monopolists, more or less numerous,

will get the entire amount. The land is already advertised for sale in May next, and several thousands of settlers who went upon it before the treaty was proclaimed, many of them having made valuable improvements in good faith, will be driven out by speculators, with whom their small means will not enable them to compete at the sale. Of course it is not strange that these settlers are now greatly alarmed and distressed by the situation in which they find themselves; and the joint resolution I reported this morning, which passed this House, was intended as some little relief, and perhaps all that Congress can afford, under the shameful treaty to which I have referred.

CHEROKEE NEUTRAL LANDS — MONSTROUS
MAL-ADMINISTRATION.

The Cherokee neutral lands consist of a tract fifty miles long and twenty-five miles wide, embracing eight hundred thousand acres. By treaty with these Indians, concluded in the year 1865, the Secretary of the Interior is authorized to sell these lands in a body, for a price not less than one dollar per acre in cash, except such tracts as were settled upon at the date of the treaty. Accordingly, in October last, a contract was made for a sale of these lands to one James P. Joy, in the interest of the Kansas and Neosho Valley Railroad Company, for the price named, and the directors of the company, at a recent meeting, have resolved that such of the lands as are now occupied by *bona fide* settlers shall be valued at from three to ten dollars per acre, and be sold to said settlers at an average of six dollars per acre.

This outrage upon these people, who have settled upon these lands in good faith, and in many cases made valuable improvements, is simply monstrous. Even the treaty, which no man can defend, and could have had no honest parentage, does not warrant it. These settlers, in all conscience, should have their lands at \$1.25 per acre.

The treaty could easily have been so made as to secure to them this right beyond question, and the lands themselves, as I am well assured, could have been disposed of directly to the United States, and subjected at once to our ordinary policy of sale and pre-emption. No man can approve the conduct of the Government in thus joining hands with monopolists in squandering the public domain and conspiring against the productive industry of the country; and since there yet remain large quantities of other Indian lands to be disposed of, all of which are threatened by the reckless policy I have exposed, the voice of the people should be earnestly invoked in their behalf before it shall be too late.

A SIGNAL OUTRAGE AGAINST PRE-EMPTORS EX-
POSED—UNWELCOME FACTS REFERRED TO.

One remarkable instance of the espousal by the Government of the claims of monopolists against those of our pioneer settlers remains to be noticed. It is of recent occurrence. A disputed question involving the title to certain lands in California was properly brought before the General Land Office for decision. The parties on the one side were pre-emptors, claiming title as such under the laws of the United States. The chief party on the other side was a perfectly unprincipled monopolist, who had succeeded by false representations in procuring the passage of an act of Congress under which he and his assigns claimed title to an invalid Spanish grant of ninety thousand acres, including the very lands of the pre-emptors referred to. After a full and careful hearing the Commissioner of the General Land Office decided in favor of the settlers. The California monopolists thereupon prevailed upon the Secretary of the Interior to ask the advice of the Attorney General of the United States upon the points of law involved, and they procured from him an Opinion, declaring, among other things, that pre-emptors on the public lands acquire no rights by their preliminary acts of settle-

ment and improvement, and are mere tenants-at-will, whom the Government may eject at any time before they have completed the conditions of title. The Attorney General did not controvert the fact that the pre-emptors *were* such, under the laws of Congress, but he denied their right to the land; and the Secretary of the Interior acquiesced in the decision, although he knew it was not law, and allowed the land department of the Government to be used in dispossessing these settlers, in violation of the plainest principles of justice as well as law, in opposition to numerous and uniform decisions of our Federal courts, and to the whole spirit and policy of the Government. This ruling, still adhered to by the Secretary of the Interior, strikes at the homestead settler as well as the pre-emptor, and is a mean and wanton insult to both. Should it be applied in all cases, as it was cruelly done in this, it would kindle a fire throughout the West which it might cost the Government some pains to quench. Sir, in the name of our grand army of pioneers, whether native or foreign born, I denounce it. As I have said here on another occasion, it mocks justice, sets common sense at defiance, and insults judicial decency: and the men who procured it, in behalf of soulless speculators and land-sharks, were engaged in a most unworthy service. I must add, as the saddest fact of all, that this foul plot of thieving monopolists received the sanction of the House of Representatives of the United States, as shown by its recorded vote on the 7th day of July, in the year 1866.

EVILS OF OUR LAND POLICY GENERALLY—THE FINANCIAL QUESTION.

Mr. Speaker, the facts I have submitted should alarm every real friend of our country. This wholesale prostitution of the people's heritage, this merciless crusade against the rights of coming generations, instantly. It will tax all our rulers to heal the wounds inflicted upon our country, and

which have laid hold on its very life. While the power of Government to do good is limited, and negative at best, its capacity for evil is practically infinite. It has been said truly that the influence of the laws under which we live pervades the national character, is felt in every transaction of our social existence, and is seen, like the frogs of Pharaoh, "in our houses and in our beds, in our ovens and in our kneading-troughs." Our land policy will have its enduring monument in the very curses which it plants in its footsteps, and writes down upon the soil. It poisons our social life by checking the multiplication of American homes, and the growth of the domestic virtues. It tends to aggregate our people in towns and cities, and render them mere consumers, instead of dispersing them over our territory, and tempting them to become the owners of land and the creators of wealth. It fosters the taste for artificial life, and the excitements to be found in great centers of population, instead of holding up the truth that "God made the country," and intended it to be peopled and enjoyed. It dries up the sources of productive wealth, as I have already shown, and thus fatally abridges the revenues, now so much needed in meeting our national obligations. As a mere scheme of finance, I believe the passage of the bill now before us would be decidedly the best of the many which have been proposed and debated. The great want of the country to-day is more producers, and to this end a policy which shall draw from the older States and from our overcrowded cities the millions of unemployed men who are seeking to live by their wits, and to evade the command that "in the sweat of thy face shalt thou eat thy bread." This, sir, is my policy of finance. The money which is to pay our debt must be dug from the soil, and from our mines; and whatever decision Congress may make as to the taxation of our bonds, or the kind of money in which they shall be paid, or the further contraction or expansion of the currency, or the

readjustment of our tariff and internal revenue system, our national debt, after all, must be paid. That hard duty is unavoidably laid upon us, and there is no royal road to its performance. In the broadest and best sense of the term, therefore, this bill is a measure of financial relief; and should it become a law, it will stand forth as a great landmark in the legislation of the country, and as the crowning act of a policy which has sought to find expression for more than fifty years. In the early period of the Government settlements on the public domain were forbidden by law. In the year 1807 Congress even provided for the removal of persons who should attempt settlements without authority of law. This illiberal treatment of our pioneers was of short duration, but the policy of pre-emption was of slow growth, and was only

finally perfected in the year 1841. Twenty-one years later the homestead law was enacted, recognizing still further the just claims of settlers; but it allowed the speculator to cripple and harass them at every step, and thus seriously to frustrate the great and beneficent ends which otherwise it would have perfectly accomplished. It was a half-way measure of relief, pointing as naturally to the complete remedy now proposed as did the pre-emption laws point to the far broader policy of the homestead act. Let us now apply it, and thus extend the borders of our civilization, increase our national wealth, curb the ravages of monopolists, satisfy the earth-hunger of the multitudes who are striving for homes on our soil, and thus practically reassert the right of people to life, liberty, and the pursuit of happiness.



